IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 23229 of 2004

Between:

1 P. Ramu, S/o. Gogulayya, aged 38 years,
R/o. Vampalli, Kadapa District.
2 K. Devasahayam, S/o. Sundaram, aged 37 years,
R/o. Vampalli, Kadapa District.

..... PETITIONERS

AND

1 The APSRTC, rep. by its Vice Chairman & Managing Director,
Musheerabad. Hyderabad.
2 The APSRTC, rep. by its Regional Manager,
Kadapa Region, at Kadapa, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the 2nd respondent herein in deleting the names of the petitioners from the selection list on the allegation of not reporting for duty without issuing any notice and without conducting any enquiry vide Proc.No. E2/86/684(1)/99-RM.C, Kadapa, Dt. 19.10.2002 issued to both the petitioners as illegal, unjust and arbitrary, contrary to the regulations of the corporation and as such liable to be set aside in the interest of justice with a consequential direction to continue the petitioners forthwith by paying the wages for the period out of employment and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.S.M.SUBHAN

Counsel for the Respondents: MR.P.VINAYAKASWAMY

The Court at the stage of admission made the following:

ORDER:

Challenging the action of the 2nd respondent in deleting the names of the petitioners from the selection list through proceedings dated 19.10.2002, the present writ petition is filed.

The petitioners are contending that they were appointed as Drivers in the respondent Corporation in pursuance of selection in the year 1999. After successful completion of training they were allotted duties. During the period of strike of the regular employees from 15.10.2001 to 07.11.2001, the petitioners were directed to report to duty, but due to lack of information they did not report to duty. Subsequently, when they reported to duty, they were informed that their names were deleted from the selection list without issuing charge sheet or show cause notice. The respondents passed an order on 19.10.2002 deleting of names of the petitioners from the approved list of selected candidates. Hence the present writ petition is filed.

It is not in dispute that the petitioners were selected on the basis of regular selection. Their services were being utilized as casual Drivers as and when required. The petitioners contend that they did not receive any notice or charge memo and later came to know that their names were deleted from the list of selected candidates.

Under the similar circumstances, a Division Bench of this Court gave a judgment on 29.08.2003 in Writ Appeal No.1259 of 2003, upholding the order of the learned single Judge who held that it is not permissible for the Corporation to remove the name of the workman from the selected list, when the selection was made through a regularly constituted board. In the present case also, if the Corporation comes to a conclusion that non-reporting to duty amounts to dereliction of duty, the Corporation is at liberty to initiate action against the petitioners and after a detailed inquiry, may pass appropriate orders according to Rules, but, without giving any opportunity, removing the names of the petitioners from the list of

selected candidates is against the principles of natural justice. The action of the 2nd respondent in removing the names of the petitioners from the list of selected candidates is arbitrary. Therefore, such action is liable to be corrected by directing the respondents to restore the names of the petitioners to the selection list.

In the light of the above circumstances, the action of the respondents in deleting the names of the petitioners from the list of selected candidates is quashed. The respondents are directed to restore the names of the petitioners into the list of selected candidates and continue to engage them as they used to be engaged previously till an action, if any, taken by the respondents for the absence of the petitioners and the punishment, if any, going to be imposed.

With the above said observations, the Writ Petition is allowed. No order as to costs.

Dated: 14.12.2004

Dsr

ASSISTANT REGISTRAR

To:

1. The Vice Chairman & Managing Director,

APSRTC, Musheerabad, Hyderabad

2. The Regional Manager, APSRTC,

Kadapa Region, Kadapa, Kadapa District

3. Two CD copies.